

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ERNEST TILLERY,

Petitioner,

-vs-

UNITED STATES OF AMERICA,

Respondent.

CIVIL NO. 06-CV-12155
CRIMINAL NO. 04-CR-80775

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

ORDER

**(1) ACCEPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION;
AND (2) DENYING PETITIONER'S 28 U.S.C. § 2255 MOTION**

Before the Court is the Magistrate Judge's February 9, 2007 Report and Recommendation denying Petitioner's 28 U.S.C. § 2255 Motion. (Docket No. 37). Neither party has filed timely objections under 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). Having reviewed the Magistrate Judge's conclusions of fact and discussion of law, the Court hereby:

- (1) **ACCEPTS** the Magistrate Judge's Report and Recommendation (Docket No. 37);
and
- (2) **DENIES** Petitioner's § 2255 Motion (Docket No. 33).

SO ORDERED.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: March 21, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 21, 2007.

s/Denise Goodine

Case Manager